*Article for **The British Journalism Review** (ISBN0956-4748). Accepted for publication 19 April 2018*

It's the news, stupid!

Brian Winston

> George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland etc etc…. To all whom these Presents shall come Greeting! etc etc.... AND WHEREAS…. more than two million persons in our United Kingdom…. have applied for and taken out Licenses to instal and operate apparatus for wireless telegraphy for the purposes of receiving Broadcast programmes…. We believe that it would greatly…. be of public benefit if a Corporation…were created by the exercise of Our Royal Prerogative and certain knowledge and of Our special grace and knowledge and mere motion….

The King thus willed it and, on 1 January 1927, the British Broadcasting Corporation was so.

It had been three decades since the viability of wireless telegraphy had first been unambiguously demonstrated. Its usefulness as a communication medium -- that anybody could listen to its signals-- was obvious, especially at sea. But so too was the disadvantage that stunted its commercial development on land, ie: anybody could listen. Privacy was impossible.

In Britain, this confusion was compounded by the technology's twin inheritance – its naval origins and the Crown's monopolistic control of all modes of publically accessible communication. The state's charge of the post in the UK had, unlike elsewhere in the developed world, been legally extended to the newer electrical communication technologies as they emerged. The GPO had seized the provision of both the wired telegraph and telephone as state functions and was uninhibited in asserting its (and, of course, thereby also the Crown's) rights over the newer wireless variations. But in so doing a crucial distinction was lost.

Both nationally and internationally, the physical creation of networks from post-boxes through semaphore towers had been the state's business. With electrical modes, the imposition of technical standards and, where appropriate, such things as allocation of spectrum resource were also clearly seen as legitimate and necessary governmental functions. As each of these new technologies developed beyond the post, the more public and open they were the more intrusive became the state's regulation of infrastructure to enable them.

But, in a democracy, there is a crucial difference between the provision of infrastructure and the control of content. The Postmaster General (PMG) made sure your letter was delivered but was not allowed, except in restricted, legally circumscribed instances, to read -- never mind censor -- it. Post Office control over more open public communication systems compromised this principle. And the distinction between allocative regulation and content control was seriously undercut when it was finally

realised, post-World War I, that wireless telegraphy's great disadvantage – that anyone could listen – was actually its *raison d'être*: that it was, in fact, radio.

Among the 'Objects of the Corporation' outlined in the 1927 Charter, item 3 (e) allowed it:

> 'To collect news of and information relating to current events in any part of the world and in any manner that maybe thought fit and to establish and subscribe to newsagencies.'

On its face, this is a profoundly disturbing purpose because it runs counter to the several centuries of political struggle to free the provision of news from what is, in a democracy, usually held to be the deadly embrace -- if overly familiar -- of the state.

Resistance to this danger is a central thread in the Whig interpretation of British press history. The narrative flies, straight as an arrow, from resistance to the repression of the Tudor Court of the Star Chamber, through the Parliamentary rejection of legislation 'for regulating of Printing and Printing Presses' in the late 17th century and the establishment of the principle of 'no prior constraint' on news provision in the 18th, to the abandonment of the so called 'taxes on knowledge' -- the stamp duty used in the first half of the 19th century by the government as its last, best hope of asserting direct specific control beyond the general provisions of the laws of libel, sedition, obscenity and blasphemy. The arrow points to speaking truth to power, comforting the afflicted and afflicting the comfortable as well as to the unleashing of media panics and campaigns of misinformation and distortion, trivialisation, titillation and sensationalism. The arrow leads, in short, to a free press. But all this was gone at a stroke in consequence of the King's 'special knowledge, grace and mere motion' in establishing Object 3 (e) for the Broadcasting Corporation.

What we got instead was the concept of 'public service broadcasting', supposedly preserving the liberal niceties, in essence, only because we Brits played according to the rules of the Whiggish game. So, 'public service': great when it comes to the provision of entertainment and culture uncontaminated by commerce, diverse, free from the tyranny of the lowest common denominator; but not so good (democratically) for the collection of 'news and information'.

Consider James Harding.

Harding took charge of the BBC's 8000 (eight thousand!) journalists and other news staff – a third of the Corporation's work force – in 2013. Then 44, a Cambridge history first, he was scalped from the editorship of Rupert Murdoch's *Times* for £340,000 a year and given control of a billion pound budget. It was suggested that his less than robust defence of News International hackery had lost him the boss's good opinion but that meant he came to the BBC *mani pulite*, ie: with (comparatively) clean hands. His talk was all of a news service that had 'impact and ambition' and got 'noticed'. Rumours of the establishment of an investigative unit were circulated. Putting more women on air and future proofing the operation were hawked as priorities.

Four years later he was out. It was 'a huge relief', reported Roger Mosey, himself an ex-Editorial Director of the BBC, in the *New Statesman.* On social media, BBC news folk said of the management that: 'They have learned from the mistake of appointing a print journalist to run a broadcaster', but behind all talk of professional mismatch lay something deeper; something seldom discussed in public.

'Many of Harding's troops', Mosey reported, 'were never convinced that he understood public service broadcasting'. This is a truly breath-taking observation. In black and white, here admitted by one who knows is the assumption that non-broadcast (non-BBC?) journalists march to a different drum from the rest of the tribe. It is not merely that the BBC has always tended to grow its own. Roger Mosey himself, in contrast to Harding's highflying experience starting on *The Financial Times* before jumping to *The Times,* began in BBC Radio Lincolnshire before he climbed up the network tree to editorial and then executive roles. Rather, it is a matter of DNA. Independent free expression of the news is – for good or ill (and ill it often is) – embed in the free press gene. It does not similarly infect the concept of public service broadcasting. And it never has. Instead that has a sorry history of journalistic pusillanimity – persistent for all that the 'BBC – national treasure' rhetoric endlessly marginalises it.

The potential of radio as a news platform was understood from the outset. On the second day of its existence on 23 November 1922, the British Broadcasting Company – the Corporation's predecessor organisation regulated by the PMG but owned by a consortium of radio-set manufacturers -- broadcast the results of that day's general election. However, in the slowly evolving arrangements that were to lead to the settlement of 1927, news was to be seen as primarily a problem of competition not constitutionality. The PMG, by virtue of his (always at this time) allocative control of the spectrum, protected the papers against a potential rival. Primarily, the Company could only broadcast published news and then only after 7pm when the last editions had hit the streets. And it paid the news agencies a small fee per license holder to do so.

Controversy, the PMG insisted, was to be avoided and, when alerted, he could stop it dead. Asa Briggs, the BBC's official historian, argues that: 'the officers of the BBC, while knowing they could not escape the keen eye of the Post Office, did their best to press for greater freedom' in the years of the Company before the Corporation (1922-1927). Famously the odd broadcast – the one on communism in 1923 always figures in this connection --- is offered as proof of this (as it were) struggle. Briggs claims that 'a precarious measure of independence was maintained'. But one year it did not get the Chancellor of the Exchequer, a fellow member of the PMG's government, to a microphone so he could explain the budget. Nor did it stop the PMG fretting when another mentioned 'Versailles' without checking he could do so with the Foreign Office. George Bernard Shaw could not promise to be bland enough to be allowed to speak to the nation and so was not cleared. All formal requests from the Company for the relaxation of such absurd interferences were rejected. And when it came to the draft Charter, 'Object 3 (e)', Briggs reports, was in fact inserted to balance, but not blunt, the PMG's intransigence. 'News of and information relating to current events' was fine – as long as it was not 'controversial'.

The decision to establish the BBC as a Royal Corporation was put forward for ratification just prior to the General Strike of May 3-12, 1926, nine days during which

the Company exercised a virtually monopoly over news as the printers were out. It issued five bulletins a day from 10 am to 9:30 pm. After it was over, John Reith, the Company's chief executive, wrote:

> There could be no question about our supporting the Government in general, particularly since the General Strike had been declared illegal in the High Court….The only definite complaint may be that we had no speaker from the Labour side. We asked to be allowed to do so, but the decision eventually was that since the Strike had been declared illegal this could not be allowed.

What could be included were fabricated and misleading reports of the strike's collapse in various places. 'There is little doubt the BBC assisted the Government against the strikers…' Briggs concluded. The 'BFC' – the 'British Falsehood Company' – some called it.

It would be absurd to suggest that this foundational moment determined the BBC's news output for the next nine decades. But its legacy cannot be ignored either. It is possible to write a counter narrative to the received story of the BBC's journalism, one in which – at random -- an avowedly radical radio documentary unit was put to the sword in the 1930s; Lord Beveridge was prevented from explaining his report in the 1940s; the BBC's Director General alerted MI5 to a pioneering *Panorama* expose of its activities in the 80s; and on and on. Tom Mill's 2016 *The BBC: Myth of a Public Service* brings this record up-to-date.

But such outcomes are not the BBC's fault. They are, rather, the unavoidable consequence of the 1927 Charter. Cognitive dissonance, of course, allows the whole business of tying an organ of opinion to the 'special grace and knowledge and mere motion' of the Crown to be treated as nothing but mumbo-jumbo; yet it has consequences – e.g: the operation of 'Object 3 (e)' and its successor enactments over the decades. It infuses, as Roger Mosey reveals, such affairs as Harding's removal. 'Public service' news culture is not the same as the press's. It has different DNA. And currently the BBC's 'independence' is in the hands of Ofcom, an even more deformed and hideous undemocratic government beast than ever even the BBC was. Not good.

The Corporation's second century approaches and the case it can make as a crucial cultural institution whose removal would immeasurably impoverish the nation is undeniable -– except for the news. In a democracy with our free-press history, the news is its Achille's heel. It should get out of that business – and, yes, leave it to Dacre and Murdoch. At least they don't pretend to be our unbiased servants.